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Attorneys for Defendant
APPLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ASHLEY GJOVIK,
Plaintiff,
v.
APPLE INC.,
Defendant.

Case No. 23-cv-4597-EMC

**DECLARATION OF MELINDA S.
RIECHERT IN SUPPORT OF
DEFENDANT APPLE INC.'S MOTION
TO STAY IN LIGHT OF
BANKRUPTCY PROCEEDINGS**

Date: October 23, 2025
Time: 1:30 p.m.
Dept: Courtroom 5, 17th Floor
Judge: Honorable Edward M. Chen

1 I, Melinda S. Riechert, declare as follows:

2 1. I am an attorney admitted to practice law in the state of California and am a partner
3 at the firm Orrick, Herrington & Sutcliffe LLP. I am counsel for defendant Apple Inc. in this action.
4 I submit this declaration in support of Apple's Motion to Stay in Light of Bankruptcy Proceedings.
5 I have personal knowledge as to the facts set forth in this declaration. If called as a witness, I could
6 and would testify competently thereto.

7 2. Since July 21, 2025, Plaintiff/Debtor has engaged in extensive litigation activity; the
8 following examples are illustrative and not exhaustive:

- 9 a. On July 24, 2025, Plaintiff/Debtor threatened to file a discovery letter brief with
10 Magistrate Judge Westmore regarding Plaintiff/Debtor's demand for an ESI
11 protocol, despite Apple's commitment to provide a proposal for ESI protocol the
12 following week. Negotiation of an ESI protocol remains ongoing.
- 13 b. On July 28, 2025, the day before the parties were due to submit a proposed discovery
14 plan to the Court, Plaintiff/Debtor objected to Apple's proposal, but did not provide
15 any alternative proposal or substantive feedback prior to the July 29, 2025 filing
16 date.
- 17 c. On August 4, 2025, Plaintiff/Debtor demanded that Apple provide comprehensive
18 information regarding its document preservation efforts, despite offering no
19 evidence of actual or threatened spoliation.
- 20 d. On August 5, 2025, Plaintiff/Debtor indicated her intention to notice a FRCP
21 30(b)(6) deposition of Apple.
- 22 e. On August 11, 2025, Plaintiff/Debtor produced over 900 documents encompassing
23 over 6,000 pages, many of which are documents belonging to Apple that
24 Plaintiff/Debtor appears to have improperly retained following her termination.
- 25 f. On August 12, 2025, Plaintiff/Debtor filed a discovery letter brief with Magistrate
26 Judge Westmore (Dkt. No. 240), seeking an order (1) compelling Apple to produce
27 a document it had previously committed to search for (and which it produced on
28 August 15, 2025), and (2) imposing sanctions against Apple.

- 1 g. On August 13, 2025, Plaintiff/Debtor served four additional interrogatories on
2 Apple, each containing multiple discrete subparts, notwithstanding the fact that she
3 had already exhausted the 25 interrogatories permitted under FRCP 33. To date, the
4 interrogatories counting discrete subparts served by Plaintiff/Debtor exceed 100
5 interrogatories.
- 6 h. The same day, Plaintiff/Debtor served 22 additional requests for production of
7 documents.
- 8 i. Also the same day, Plaintiff/Debtor demanded that Apple supplement its response
9 to her Interrogatory No. 1 within 14 days.
- 10 j. Also the same day, Plaintiff/Debtor also issued two deposition notices, seeking to
11 schedule depositions for current and former Apple employees one during the period
12 September 8-19, the other during the period September 15-30, despite having
13 previously represented that she was not available for her own deposition until the
14 last week of September or the first week of October.
- 15 k. Also the same day, Plaintiff/Debtor demanded that Apple provide copies of
16 subpoenas it had issued, even though Apple has not issued any subpoenas, and
17 threatened to seek sanctions for Apple's purported non-compliance with FRCP
18 45(a)(4). Subsequently, on August 18, 2025, Plaintiff/Debtor expressed her intent to
19 move for a protective order, despite Apple's commitment to meet and confer
20 regarding the scope of the proposed subpoenas.
- 21 l. On August 18, 2025, Plaintiff/Debtor demanded that Apple provide additional
22 information in response to her Interrogatory Nos. 2-13, which each contain many
23 discrete subparts causing them to exceed 25 total interrogatories served, and
24 threatened to seek sanctions if Apple did not comply.
- 25 m. Also that same day, Plaintiff/Debtor stated her intention to subpoena Orrick for
26 records and to subpoena Twitter/X for access to the confidential credit card
27 information of someone she alleges harassed her under a pseudonym on Twitter/X.
- 28 n. On August 19, 2025, Plaintiff/Debtor again threatened to seek FRCP 37 sanctions

1 and to strike Apple's affirmative defenses.

- 2 o. On August 20, 2025, Plaintiff/Debtor made further demands for signed statements
3 from Apple formally responding to her objections to the objections Apple included
4 in its discovery responses (something that is not required under the Federal Rules of
5 Civil Procedure) because she wishes to use them as evidence in this matter.

6 3. At the August 5, 2025 Case Status Conference, the Court inquired as to how
7 Plaintiff/Debtor/Debtor's bankruptcy petition affected this case, noting that the Trustee in now in
8 control of the litigation. Plaintiff/Debtor acknowledged that she understood the Trustee now
9 controls the litigation but conveyed her belief that the Trustee would abandon the lawsuit to her.

10 I certify under penalty of perjury and pursuant to the laws of the United States that the
11 foregoing is true and correct.

12 Executed August 25, 2025 in London, England.

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15 /s/ Melinda S. Riechert
16 Melinda S. Riechert
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